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09/543,016	04/04/2000	Gudrun Vandeginste	PHN 17,395	5698
24737	7590	10/22/2003	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			NATNAEL, PAULOS M	
			ART UNIT	PAPER NUMBER
			2614	14

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/543,016

Applicant(s)

VANDEGINSTE, GUDRUN

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-20** are again rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Pat. No. 6,411,306 in view of Wagner, U.S. Pat. No. 5,933,130.

Considering claim 1, Miller et al. discloses the following claimed subject matter, note;

a) the claimed apparatus for processing signals is met by apparatus as described in abstract and Fig. 4;

b) the claimed parameter control means controlling parameters of said signals is met by microprocessor 18 and Fig. ~~4~~<sup>5</sup> as disclosed at column 5, lines 21-66, where the step 10 of the processing step provides the controlling and adjustment of the parameter (such as luminance, ~~and~~ contrast);

c) the claimed parameter control means being adapted to cause adjustments to said parameters in response to current ambient factors ~~of~~<sup>and</sup> properties of said signal which is

met by the description at column 5, lines 42-49 and Fig. 5, where the function step 7 demonstrates the adjustment is in response to the surrounding luminance.

Except for;

\* d) the claimed indicator means;

Regarding d), Miller et al. ~~does~~ does not specifically disclose the indicator means for presenting a level indicator which is indicative of said adjustments. However, Miller discloses a display device, where pop-up or pop-down type windows or GUI for parameter adjustment may be utilized, as is well-known in the art.

In that regard, Wagner discloses an anti-eye strain apparatus which automatically adjusts the brightness of a display, comprising an auto brightness control feature within the Graphical Control Interface (GUI) as shown in Fig. 7, where "the user then set the brightness of display to the desired general level of brightness. (see also column 9 , lines 11-15, and column 7, lines 42-63) The auto brightness control display indicates the level of brightness.

Therefore, it would have been obvious to one with ordinary skill in art at the time the invention was made to modify the system of Miller et al. by providing the auto brightness control indicator as taught by Wagner, in order to make it easier for the viewer to control or adjust the parameters of the display according to the desired level

Considering claim 2, Miller et al. discloses the following claimed subject matter, note:

a) a control means for setting a preferred parameter level to be input into said parameter control means is met by the microprocessor 18 which stores default values in the memory 20 (column 5, lines 20-23).

b) the claimed parameter control means being adapted to compute said adjustment as a function of said preferred parameter level and said current ambient factors or properties of said signal is met by the disclosure on step 9 and 10 (fig.5) and, at column 5, lines 42-67, where S9 demonstrate the calculation for adjusting a based o the surrounding luminance ( ambient factor) and the desired perceived luminance level  $L(x)$  (preferred parameter level).

Except for;

c) user control means for setting a preferred parameter level; and

d) wherein said preferred parameter level is selected by a user from a plurality of parameter levels.

Regarding c) and d), Miller discloses a microprocessor 18. Microprocessors are well known in the art as devices that accept user input to change channels and/or display parameters such as hue, color, brightness, contrast, etc. with the aid or use of a remote controller which also is well known in the art.

In this regard, Wagner discloses an anti-eye strain apparatus. Wagner discloses a user control means for setting a preferred parameter level such as the manual potentiometer 80 ( column 12, lines 38-46 and column 9, lines 11-16, and Fig. 11).

Wagner also discloses the brightness control which is directly manipulated by a remote control or inputted directly from the display controls. ( see column 9, lines 49-52).

Therefore, the examiner submits that it would have been obvious to those with ordinary skill in the art at the time the invention was made to facilitate the teaching of Wagner in the system of the Miller et al. in order to provide a user friendly approach for enabling a user to selectively set the display parameter such as the brightness, according to the viewer's preference, and automatically maintain the selected level.

Considering claims 3, 7, 12, and 14, note that

a) the claimed limitation of wherein said signals comprise video signals is met by the display device as disclosure at column 6, lines 59-62 where a video signal display encompasses the required video signal ;

b) the claimed parameter comprises picture parameters which is met by the description of Miller at column 5, lines 20-23; and c) the claimed ambient factor comprises ambient light is met by the disclosure at column 4, lines 38-4, where the surrounding luminance is considered as the ambient light.

Considering claims 4, 10, and 11, the reference of Miller et al. and Wagner disclose the claimed apparatus as discussed in claim 1 above. However, the combination of Miller et al. and Wagner does not disclose that a television receiver comprising an apparatus as in claims 1, 2 and 3, respectively. Nevertheless, Miller et al. discloses that the system of Miller is applicable to different of types of display devices and may be readily employed

in a variety of devices that utilize electronic imaging ( column 6, lines 59-62).

Furthermore, it is known that display parameter adjustment is widely utilized in the television receiver.

The examiner therefore submits that it would have been obvious to those with ordinary skill in the art at the time the invention was made to implement the system of Miller et al. and Wagner in a television receiver in order to facilitate the display parameter adjustment that responds to both manual changes and ambient (surrounding)-dependent factors/changes.

Claims 5 and 6, are method claims of the apparatus claims 1 and 2, and the recited functional steps are impliedly performed by their corresponding apparatus claims. Thus, claims 5 and 6 are rejected for the same reasons as in claims 1 and 2, respectively.

Considering claims 8, 9, 13, and 15, the claimed limitation "wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation" is met by the disclosure on column 4, lines 38-41.

Considering claims 16 and 17, Miller et al. discloses that the system of Miller is applicable to different of types of display devices and may be readily employed in a variety of devices that utilize electronic imaging ( column 6, lines 59-62). Furthermore, it is known that display parameter adjustment is widely utilized in the television receiver .

The examiner therefore submits that it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the system of Miller et al. and Wagner as a method of operating television receiver in order to facilitate the display parameter adjustment that responses to both manual changes and ambient surrounding factor dependent changes.

Considering claims 18 and 20,

a) the claimed wherein said signals comprises video signals is met by the display device and the disclosure that “[t]he invention is applicable to different types of display devices and may be readily employed in a variety of devices that utilize electronic imaging.”

(see column 6, lines 59-62)

b) the claimed parameter comprises picture parameters is met by the disclosure “the microprocessor 18 retrieves default values (S3) from the memory 20 for the display illuminance (I.sub.def), the surround luminance (S.sub.def), the display luminance (L.sub.def) and image contrast settings (.lambda..sub.def). An initial display illuminance reading (I.sub.I) is then taken from the display illumination sensor 14 (S4). (column 5, lines 20-23)

c) the claimed ambient factor comprises ambient light is met by the disclosure the where the surrounding luminance is considered as the ambient light (column 4, lines 38-43) and the changing lighting conditions (See abstract of the disclosure)



Considering claim 19, the claimed limitation of wherein said picture parameters comprise one of: luminance, contrast, and brightness saturation is met by the disclosure The display illuminance and surround luminance measurements are supplied to the microprocessor 18 which determines the appropriate luminance and contrast of the display device." (column 4, lines 38-41)

### ***Response to Arguments***

3. Applicant's arguments filed July 3, 2003 have been fully considered but they are not persuasive. Response follows:

#### Applicant's Arguments

- a) The Applicant submits that the Office Action fails to establish a prima facie case of obviousness against the claims.
- b) Wagner never mentions the sliding bar is used to indicate how the brightness level of an image has been altered or adjusted. Wagner simply mentions that the sliding bar allows a user to set the brightness level, and the brightness level is then used to present images to the user. Wagner lacks any mention of an indicator identifying "adjustments" that have been made to a signal...
- c) the proposed Miller-Wagner combination fails to disclose, teach or suggest the Applicant's invention as recited in claim 1 and its dependent claims. For similar

reasons, the proposed Miller-Wagner combination fails to disclose, teach or suggest the Applicant's invention as recited in claim 5 and its dependent claims.

Examiner's Response

a) As shown above in rejecting claim 1, Miller discloses a display device. Display devices such as a Television monitor are notoriously well known to have pop-down windows for the purpose of adjusting parameters. A GUI is such a device as disclosed in the Wagner reference. Specifically, Wagner discloses an anti-eye strain apparatus which automatically adjusts the brightness of a display. The system comprises an auto brightness control feature within the Graphical Control Interface (GUI) as shown in Fig. 7, where the user then sets the brightness of display to the desired general level of brightness. The auto brightness control display indicates the level of brightness. The general level of brightness, range, time and pattern may be set depending upon the ambient lighting conditions that is selected by the central processing unit or selected by the user (automatic or manually control) (column 7, lines 31-54). Therefore, the argument that a prima facie of obviousness is not met is unpersuasive, because it would have been obvious to the skilled in the art to modify the display device of Miller by providing the GUI of Wagner in order for the user to adjust the parameters automatically or manually.

b) Even though it may not be mentioned, it is notoriously well known in the art that the sliding bar indicates the change that has been made to a parameter such as contrast or brightness levels of a display. Argument therefore is unpersuasive.

c) see rejections of claims 1-20 above.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Paulos Natnael  
October 19, 2003



**MICHAEL H. LEE**  
**PRIMARY EXAMINER**